

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**COUNCIL CHAMBERS**  
**WILLMAR MUNICIPAL UTILITIES BUILDING**  
**WILLMAR, MINNESOTA**

June 2, 2003  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and David Chapin; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and Administrative Assistant Audrey Peterson.

Proposed additions to the agenda included a Mills Detachment Resolution and Flag Day announcement.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 19, Municipal Utilities Commission Minutes of May 27, Planning Commission Minutes of May 28, Kandiyohi Area Transit Minutes of May 7 and 20; and Community Education and Recreation Board Minutes of May 23, 2003; and Mayoral appointment, Park and Recreation Board – Tori Leitch; and reappointment – Park and Recreation Board – Owen Antil, Steve Sharstrom, Christopher Radel and Deb Swenson. Council Member DeBlieck seconded the motion, which carried.

At 7:04 p.m. Mayor Heitke opened a hearing on an Ordinance Amending the Legal Description for the Annexation Property in Ordinance No. 1167. Planning and Development Services Director Peterson explained to the Mayor and Council that due to a surveyor error, the annexation ordinance for the Home Depot Project was adopted with an incorrect legal description. The description has been corrected, but the Ordinance needs to be amended. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:05 p.m.

Council Member DeBlieck offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending the Legal Description for the Annexation Property in Ordinance No. 1167. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

Community Education and Recreation Director Brisendine presented to the Mayor and Council a request from the Community Education and Recreation Board to adopt a tobacco-free policy for the City's outdoor recreational facilities. Following discussion of the proposed policy enforcement plan, Council Member Reese moved to refer the matter to the Public Works/Safety Committee for consideration. Council Member Chapin seconded the motion, which carried.

The Public Works/Safety Committee Report for May 27, 2003, was presented to the Mayor and Council by Council Member Christianson. There were five items for Council consideration.

Item No. 1 Ranae Rahn, representing Main Street Willmar, appeared before the Committee to explain details of the Willmar Fests Celebration. Following discussion of the Block Party, the Committee was recommending to the Council to approve the temporary street closure and Block 50 parking lot as presented. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 The Committee met with Mike Nitchals, General Manager WMU, to discuss the Municipal Utilities Commission's position on cost participation for replacement of water service lines. At previous meetings the Committee was in agreement to change the City's sewer service line policy to include both commercial and residential properties. The Willmar Municipal Utilities presently pays the entire replacement cost of water service lines within the right-of-way for residential properties. The Commission recommends leaving their policy as is with the inclusion of commercial properties.

The Committee was recommending to the Council to modify both the City and Utilities policies to include all classes of properties. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan seconding the motion, which carried.

Item No. 3 The Committee reviewed bids received for the 2003 Sewer and Water Improvements – Project No. 0302. The Committee was recommending to the Council to award the contract for Project No. 0302 to Quam Construction Company Inc. and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City.

Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Quam Construction Company, Inc. of Willmar, Minnesota for City Project No. 0302 – 2003 Sewer and Water Improvements is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$236,962.50.

Dated this 2<sup>nd</sup> day of June, 2003.

/s/ Lester J. Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 4 The Committee reviewed a proposed fireworks ordinance and fee schedule presented by the Fire Chief. The Ordinance permits the sale of fireworks in establishments meeting all the requirements as stated. A fee schedule was also proposed to cover the criminal records check, plan review and initial inspection.

The Committee was recommending to the Council that the ordinance be introduced for a hearing. Council Member Christianson offered a motion to introduce an Ordinance Amending and Supplementing Willmar Municipal Code Sections 6-126 through 6-128 and schedule a hearing for June 16, 2003. Council Member Anderson seconded the motion, which carried.

The Committee discussed the fee schedule and was recommending to the Council to adopt the fee schedule as presented. Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 2

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, sets fees for permits and licenses, and establishes rental rates for City equipment.

NOW, THEREFORE, BE IT RESOLVED that the below listed fees be duly adopted for the year 2003 and the same hereby ordered kept on file in the office of the City Clerk-Treasurer.

#### FIRE DEPARTMENT:

Fireworks Permit Fees:	Criminal Records Check	\$ 50.00
	Plan Review	25.00
	Initial Inspection	<u>25.00</u>
	Total:	\$100.00

Dated this 2<sup>nd</sup> day of June, 2003.

/s/ Lester J. Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 5 The Committee reviewed an agreement between the City and Bernick's Companies of Willmar to provide the City a Signtronix; two-sided, outdoor message center at no charge in exchange for allowing Bernick's to place vending equipment at the Fire Station for a period of ten years. The Committee was recommending to the Council approval of the agreement and authorize the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on roll call vote of Ayes 8, Noes 0.

### RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an agreement with Bernick's Companies to provide the City a Signtronix – two-sided, outdoor message center at no charge in exchange for allowing Bernick's to place vending equipment at the Fire Station for a period of 10 years.

Dated this 2<sup>nd</sup> day of June, 2003.

/s/ Lester J. Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 6 Police Chief Kulset explained to the Committee the new Conceal and Carry Law and possible implications for local government. Individuals must make application with the County Sheriff and the permit is valid for five years with a background check every year.

Following review of a sample policy limiting the carrying of weapons by employees while on duty, the Committee was recommending to the Council that said policy be incorporated into the City of Willmar's Employee Personnel Policy. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 7 The Committee reviewed a final payment to Design Electric for the First Street Signal Improvements – City Project No. 0105. Following discussion, the Committee was recommending to the Council to accept the project and authorize final payment to Design Electric.

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

### RESOLUTION NO. 4

#### ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

PROJECT NUMBER: 0105

IMPROVEMENT: First Street Signal Improvements

CONTRACTOR:	Design Electric Inc.
DATE OF CONTRACT:	July 10, 2002
BEGIN WORK:	July 10, 2002
COMPLETE WORK:	May 23, 2003
APPROVE, CITY ENGINEER:	May 27, 2003

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said Project No. 0105 be herewith approved and accepted by the City of

- Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$219,670.00
Change Orders	\$1,750.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$221,420.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$221,420.00
Less Previous Payments (Est. 1 & 2)	\$208,686.50
FINAL PAYMENT DUE CONTRACTOR:	\$12,733.50

Dated this 2<sup>nd</sup> day of June, 2003.

/s/ Lester J. Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 8 The Committee discussed an open house at the Willmar Municipal Utilities to review the recently completed Area Transportation Study. The open house presentation will identify the traffic patterns based on a large number of counts taken in April and various options to address the projected traffic. This matter was for information only.

Item No. 9 The Committee discussed the Waste Water Treatment Plant odor survey and the progress of the biofilter filter. This matter was for information only.

The Public Works/Safety Committee Report for May 27, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

The Community Development Committee Report for May 28, 2003, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 The Committee reviewed a revised draft of an ordinance to regulate transient merchant activity in the City. It was generally agreed that the ordinance intent was good and the proposed ordinance would be a reasonable start to regulating such activities.

The Community Development Committee was recommending to the Council approval of the Ordinance. Council Member DeBlieck offered a motion to introduce the Ordinance Regulating Peddlers and Transient Merchants in the City of Willmar and schedule a hearing on June 16, 2003. Council Member Dokken seconded the motion, which carried.

Item No. 2 The Committee discussed complaints registered at the recent Board of Review meeting regarding conditions of mobile homes and outbuildings at mobile home parks. It

was acknowledged that the biggest problem was with the owner-occupied units, as renter occupied units are inspected under the City's Rental Housing Inspection Program. Staff volunteered to pursue the issue with park managers and owners in a first step to resolving the physical condition issues. If such discussions are not successful, the matter may come back to Committee for additional review and action. This matter was for information only.

Item No. 3 Staff provided to the Committee updates on a number of commercial/industrial, residential, and institutional projects. This matter was for information only.

Item No. 4 The Committee considered a proposed consultant agreement amendment with HNTB Corporation for Phase 5A of the Airport Project. Phase 5A is the next phase of grading for the new Airport, as defined in the scope of services.

The Committee was recommending to the Council that the resolution amending the contract be adopted. Resolution No. 5 was introduced by Council Member DeBlieck, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and HNTB Corporation. The supplement includes the addition of Phase 5a for Phase B grading and related project activities.

BE IT FURTHER RESOLVED, the original contract amount of \$235,722.00, including the other amendments, is hereby amended by \$204,000.00 for a total not-to-exceed figure of \$1,159,002.

Dated this 2<sup>nd</sup> day of June, 2003.

/s/ Lester J. Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 5 The Committee was reminded of the open house to review preliminary results of the Willmar Area Transportation Planning Study scheduled for June 3, 2003, at the Municipal Utilities Building. This matter was for information only.

The Community Development Committee Report for May 28, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a final plat for Boulder Point Second Addition, a seven-lot garden home plat for the second phase of Boulder Point PUD. It was noted the Planning Commission has approved the plat with the addition

of easements as requested by Willmar Municipal Utilities. Council Member Reese moved to approve the final plat for Boulder Point Second Addition with Council Member Fagerlie seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a final plat for Sixth Addition to Lakewood, a 10-lot residential plat providing a connection between Country Club Drive and First Street North. It was noted the Planning Commission has approved the plat with the addition of easements as requested by Willmar Municipal Utilities. Council Member Anderson moved to approve the final plat for Sixth Addition to Lakewood with Council Member Reese seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a preliminary plat for Beckel Addition, a one-lot commercial plat for the proposed site of a new office building. It was noted the Planning Commission has approved the plat on the condition that the City be given a copy of the access easement for the Holiday Inn. Council Member Reese moved to approve the preliminary plat for Beckel Addition with Council Member Christianson seconding the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that due to a partial acquisition of his property by Home Depot, Ronald Minke requests that the special assessments against his property be reapportioned. Following discussion, Resolution No. 6 was introduced by Council Member Fagerlie, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 6

WHEREAS, a request for reapportionment of special assessments has been filed with the City of Willmar, said request being signed by all of the parties having an interest in the following-described property: (property description on file in the City Clerk's Office) Parcel No. 95-926-0040

To wit: Ronald G. Minke

WHEREAS, the above have waived notice of hearing and hearing on said reapportionment; and

WHEREAS, the City Council of the City of Willmar is in agreement with the suggested reapportionment set out in the request submitted by the above.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willmar, pursuant to the request of the above that the special assessments on the above-described property be and they hereby are reapportioned as provided in the request of the above-named, and

BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2002 and thereafter.

Dated this 2<sup>nd</sup> day of June, 2003.

/s/ Lester J. Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Planning and Development Services Director Peterson informed the Mayor and Council that due to a partial acquisition of property by Home Depot, OHM requests that the special assessments against their property be reapportioned. Following discussion, Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

WHEREAS, a request for reapportionment of special assessments has been filed with the City of Willmar, said request being signed by all of the parties having an interest in the following-described property: (property description on file in the City Clerk's Office) Parcel No. 95-923-8910 and 95-926-0010

To wit: OHM, Inc.

WHEREAS, the above have waived notice of hearing and hearing on said reapportionment; and

WHEREAS, the City Council of the City of Willmar is in agreement with the suggested reapportionment set out in the request submitted by the above.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willmar, pursuant to the request of the above that the special assessments on the above-described property be and they hereby are reapportioned as provided in the request of the above-named, and

BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2002 and thereafter.

Dated this 2<sup>nd</sup> day of June, 2003.

/s/ Lester J. Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a Resolution supporting the Mills Properties' Petition for Detachment. Following discussion, Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

FOR THE DETACHMENT OF CERTAIN LAND PURSUANT to M.S. 414.06



BE IT RESOLVED by the City Council of the City of Willmar, Minnesota that it supports the Petition for Detachment filed by Mills Properties, Inc. for property described as:

The West Half of the Northwest Quarter of the Southeast Quarter (W1/2 of NW1/4 of SE1/4); and that part of the West Half of the Southwest Quarter of the Northeast Quarter (W1/2 of SW1/4 of NE1/4) lying southerly of Minnesota Trunk Highway 23 and 71 bypass, all in Section 27, Township 119, Range 35.

BE IT FURTHER RESOLVED that this support includes a request that the Department of Administration – Municipal Boundary Adjustments detach said property described herein from the City of Willmar and make it a part of Willmar Township.

Dated this 2<sup>nd</sup> day of June, 2003.

/s/ Lester J. Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Public Works Director Odens presented to the Mayor and Council a request from Chappell Central, Inc. to block off the east portion of the parking lot by the City Office Building for two days to install a roof-top air conditioner on a nearby building. Following discussion, Council Member Chapin moved to approve the request by Chappell Central, Inc. as presented with Council Member Dokken seconding the motion, which carried.

Mayor Heitke informed the Council of a Flag Day celebration scheduled for June 14, 2003, at the Flags of Honor Park.

Council Member Anderson announced that on June 5, 2003, the Racing Association is holding an appreciation night for north-side residents.

Announcements for Council Committee meeting dates were as follows: Finance, June 9; and Public Works/Safety, June 10, 2003.

Council Member Anderson asked to be excused from the June 16, 2003, Council meeting.

There being no further business to come before the Council, the meeting adjourned at 8:19 p.m. upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

MAYOR \_\_\_\_\_

Attest:

ACTING SECRETARY TO COUNCIL